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VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

July 30, 2007

Jon Elam
General Manager
Tamalpais Community Services District
305 Bell Lane
Mill Valley, CA 94941

Re: Notice of Violations and Intent to File Suit Under the Clean Water Act

Dear Mr. Elam:

The Clean Water Act ("CWA" or the "Act") § 505(b) requires that sixty (60) days prior to the initiation of a civil action under CWA § 505(a), 33 U.S.C. § 1365(a), a citizen must give notice of the intent to sue to the alleged violator, the Environmental Protection Agency ("EPA") and the State in which the violations occur. Private parties may bring citizens' suits pursuant to 33 U.S.C. § 1365 to enforce effluent standards or limitations, which are defined as including violations of 33 U.S.C. § 1311(a) and 33 U.S.C. § 1365(f)(1).

Northern California River Watch ("River Watch") hereby places the Tamalpais Community Services District (hereafter "the District") on notice that following the expiration of sixty (60) days from the date of this NOTICE River Watch intends to bring suit in Federal District Court against the District for its continuing violations of "an effluent standard or limitation", permit condition or requirement and/or "an order issued by the Administrator or a State with respect to such standard or limitation" under §505(a)(1) of the Act, 33 U.S.C. §1365(a)(1), the Code of Federal Regulations, and the Basin Plan, as exemplified by the incidents of non-compliance listed below.

The CWA regulates the discharge of pollutants into navigable waters. The statute is structured in such a way that all discharge of pollutants is prohibited with the exception of enumerated statutory exceptions. One such exception authorizes a polluter, who has been issued a permit pursuant to CWA § 402, to discharge designated pollutants at certain levels subject to certain conditions. The District discharges pollutants to waters of the United States without a NPDES permit in direct violation of the CWA.

BACKGROUND

The District collects residential and commercial sewage which it pumps to treatment plants in Sausalito and Mill Valley. The Sausalito-Marín City Sanitary District, (hereafter "SMCSD"), which owns and operates the treatment plant in Sausalito, has identified the District's collection system as a significant source of increased wet weather flows into the treatment plant due to the high level of inflow and infiltration ("I/I") of stormwater and groundwater into the District's system. In particular, The SMCSD has identified high salinity I/I into the District's system as a major source of saltwater intrusion into the SMCSD treatment plant, which the SMCSD identifies as a significant factor in causing total suspended solids and biological oxygen demand effluent limit violations. (See Excerpt from 2004 Annual Self-Monitoring Program Report, submitted with May 6, 2005 Comments to RWQCB on Treatment Plant Compliance Inspection Report). The SMCSD has also recognized that much of the satellite system I/I impacting its treatment plant performance comes from residential, privately-owned sewer laterals, (See February 16, 2007 No Feasible Alternatives Analysis for Blending Peak Wet Weather Flows, p.10).

The structural defects in the District's collection system which allow I/I into the system result in a buildup of pressure causing sewage system surface overflows. Overflows caused by blockages and I/I result in the discharge of raw sewage into gutters, canals and storm drains which are connected to adjacent wetlands, Coyote Creek and Richardson Bay, all waters of the United States. Surface overflows discharge directly overland into surface waters. Underground leakages caused by pipeline ruptures and other structural defects result in discharges to these adjacent surface waters via underground tributaries, preferential pathways and other conduits. Surface waters become contaminated with fecal coliform, exposing people to human pathogens.

The District's chronic collection system failures pose a substantial threat to public health. The District's operation is not regulated under a NPDES Permit. The District is currently regulated under the Statewide General Waste Discharge Requirements For Sanitary Sewer Systems, Order No. 2006-003-DWQ (hereafter "Statewide WDR"), which was adopted on May 2, 2006. The Statewide WDR requires satellite systems to develop a Sewage System Management Plan, (hereafter "SSMP") within a deadline of 51 months after the adoption of the WDR, for satellite systems with populations under 2,500. The SSMP includes a system evaluation and maintenance plan, but the contemplated time

lines for implementation of concrete measures are as long as 10 to 15 years into the future. The District's ongoing violations pose an immediate threat to public health and the environment, both from surface water impacts of surface overflows and underground leakage of untreated sewage, and from the impacts of I/I on the SMCSO treatment system.

REMEDIAL MEASURES

River Watch believes the following remedial measures are necessary to bring the District into compliance with the CWA and to prioritize remedial measures to reflect the biological impacts of its ongoing non-compliance:

1. A reduction of collection system I/I through an aggressive collection system management, operation and maintenance ("CMOM") program, coordinated with the other satellite systems and the SMCSO collection system conveying wastewater to the SMCSO treatment plant, with clear time lines for prioritized repairs.
2. A mandatory private sewer lateral inspection and repair program, triggered by sale of property or based on geographical, age and/or composition factors, possibly coordinated with repair of public sewer lines.
3. Compliance with monitoring and reporting requirements, especially regarding all sewage system overflows which reach storm drains or discharge directly to state waters.
4. Creation of website capacity to receive private party reports of sewage overflows. Notification to all customers and other members of the public of the existence of the web based program, including a commitment to respond to private parties submitting overflow reports.
5. Development of a source control program to limit the entry of fats, oil, grease and debris, which cause blockages, into the sewage collection system.
6. Performance of human marker testing on surface waters adjacent to sewer lines to test for sewage contamination from underground exfiltration.

NOTICE

The CWA requires that any Notice regarding an alleged violation of an effluent standard or limitation or of an order with respect thereto, shall include sufficient information to permit the recipient to identify:

1. *The specific standard, limitation, or order alleged to have been violated.*

To comply with this requirement River Watch has identified the District's collection system discharges of raw sewage to surface waters in violation of the CWA with regard to discharging a pollutant from a point source to waters of the United States without a NPDES permit, CWA § 301(a), 33 U.S.C. § 1311(a) and 33 U.S.C. § 1365(f).

2. *The activity alleged to constitute a violation.*

River Watch has set forth narratives describing the discharges of raw sewage to surface waters as the activities leading to violations, and describes below with particularity specific incidents referenced in the District's own records and other public documents in the District's possession or otherwise available to the District, and incorporates by reference the records cited below from which descriptions of specific incidents were obtained.

3. *The person or persons responsible for the alleged violation.*

The person or persons responsible for the alleged violations are the entities identified collectively as the District and those of its employees responsible for compliance with the applicable law.

4. *The location of the alleged violation.*

The location or locations of the various violations are identified in records either created or maintained by or for the District, including the records cited below and the description of specific incidents referenced below.

5. *The date or dates of violation or a reasonable range of dates during which the alleged activity occurred.*

River Watch has examined Regional Water Quality Control Board records for the period from December 1, 2004 to May 2, 2007. The range of dates covered by this NOTICE is from December 1, 2004 to May 2, 2007. River Watch will from time to time update this NOTICE to include all violations which occur after the range of dates currently covered by this NOTICE. Failure to obtain a NPDES permit, discharging without a NPDES permit, and subsurface discharge due to leaking collection system in areas in contact with waters of the United States are continuous violations and therefore each day constitutes a violation.

VIOLATIONS

From December 1, 2004 to May 2, 2007, the District has violated the CWA, Basin Plan and the Code of Federal Regulations for discharging pollutants to waters of the United States from its collection system without a NPDES permit. Said violations are reported by District staff to and evidenced by the San Francisco Bay Water Board SSO eReporting Program Database Records. Furthermore these violations are continuing.

<u>Violations</u>	<u>Description</u>
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| 900 | Collection system overflows caused by underground exfiltration. This occurs when untreated sewage is discharged from the collection system prior reaching the treatment facility. Underground discharges are alleged to have been continuous throughout the 30 month period from December 1, 2004 to May 2, 2007. Evidence to support the allegation of underground discharge of raw sewage exists in the District's own mass balance data regarding the number of connections in the service area, estimates of average daily volume of wastewater per connection, influent flow volumes to the treatment plant reported in the SMCSD's DMRs, video inspection of the collection system, and testing of waterways adjacent to sewer lines, including creeks, wetlands and Richardson Bay, for nutrients, pathogens and other constituents indicating sewage contamination, such as caffeine. |
| 50 | Sewage system overflows as evidenced in San Francisco Bay Water Board SSO eReporting Program Database Records (from December 1, 2004 to May 2, 2007), including the overflow of 1,600 gallons which occurred on February 6, 2007 on Shoreline Highway in the Tennessee Valley Area, adjacent to salt marsh wetlands, Coyote Creek and Richardson Bay, which directly impacted surface waters, the overflow of 3,600 gallons which occurred on November 22, 2005 at 203 Marin Avenue and discharged to surface waters, and the overflow of 450 gallons which occurred on August 23, 2006 at 335 Jean Street, which discharged to a storm drain leading to surface waters. Also, unrecorded overflows witnessed by local residents. |

CONTACT INFORMATION

River Watch is a non-profit corporation dedicated to the protection and enhancement of the waters of the State of California including all rivers, creeks, streams and groundwater in Northern California. River Watch is organized under the laws of the State of California. Its address is 6741 Sebastopol Avenue, Suite 140, Sebastopol, CA 95472, telephone 707-824-4372.

River Watch has retained legal counsel to represent them in this matter. All communications should be addressed to:

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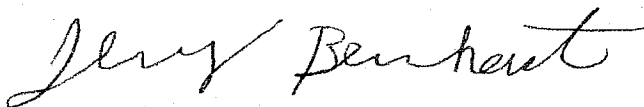
CONCLUSION

The violations as set forth in this NOTICE effect the health and enjoyment of members of River Watch who reside and recreate in the affected communities. The members of River Watch use the affected watershed for domestic water supply, agricultural water supply, recreation, sports, fishing, swimming, shell fish harvesting, hiking, photography, nature walks and the like. The members' health, use and enjoyment of this natural resource is specifically impaired by the District's violations of the CWA

River Watch believes this NOTICE sufficiently states grounds for filing suit. At the close of the 60-day notice period or shortly thereafter River Watch intends to file a citizen's suit under § 505(a) of the CWA against the District for the violations identified in this NOTICE.

During the 60-day notice period, River Watch is willing to discuss effective remedies for the violations noted in this NOTICE. However, if the District wishes to pursue such discussions in the absence of litigation, it is suggested that those discussions be initiated within the next thirty (30) days so that they may be completed before the end of the 60-day notice period. River Watch does not intend to delay the filing of a lawsuit if discussions are continuing when that notice period ends.

Very truly yours,



Jerry Bernhaut

cc:

Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
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1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460